

**BEST AVAILABLE COPY****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
CENTRAL FAX CENTER  
DEC 02 2004**

**Serial No.:** 10/604,212 **Conf. No.:** 1211  
**Filing Date:** 07/01/2003 **Art Unit:** 2812  
**Applicant:** Freeman et al. **Examiner:** Eckert, George C.  
**Title:** BIPOLAR TRANSISTOR SELF-ALIGNMENT WITH RAISED  
EXTRINSIC BASE EXTENSION AND  
METHODS OF FORMING SAME **Docket No.:** FIS920040098US1  
(IBMF-0016)

**COMMISSIONER FOR PATENTS****DESTINATION FACSIMILE NUMBER:** 703-872-9306

Transmitted herewith is: **Response to Election/Restriction Requirement n 3 pages**  
in the above identified application.

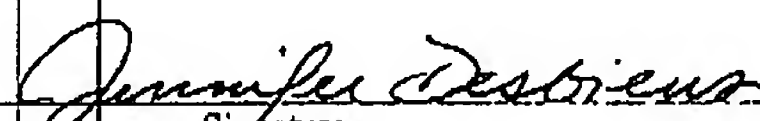
- ☒ No additional fee is required.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 09-0458 (IBM) as described below.
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

  
\_\_\_\_\_  
Spencer K. Warnick, Reg. No, 40,398

**DATE:** December 2, 2004**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Jennifer Desbiens  
(Person transmitting this correspondence)

  
\_\_\_\_\_  
Signature Date

If you receive this correspondence in error or do not receive the entire transmission, please notify us at (518) 449-0044.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Serial No.:** 10/604,212**Conf. No.:** 1211**RECEIVED  
CENTRAL FAX CENTER****Filing Date:** 07/01/2003**Art Unit:** 2812**DEC 02 2004****Applicant:** Freeman et al.**Examiner:** Eckert, George C.**Title:** BIPOLAR TRANSISTOR SELF-  
ALIGNMENT WITH RAISED  
EXTRINSIC BASE EXTENSION AND  
METHODS OF FORMING SAME**Docket No.:** FIS920040098US1  
(IBMF-0016)Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Sir:

This paper is being filed in response to the Election/Restriction requirement dated  
November 24, 2004. Applicants hereby provisionally elect Group I, claims 1-14, with traverse.

Serial No. 10/604,212

1

**REMARKS**

Claims 1-30 are pending in this application. By this Response, Applicants elect Group I, claims 1-14, with traverse. Prompt examination on the merits is respectfully requested.

In the Restriction Requirement, the Office asserts that the device of claim 1-14 could be made by a materially different process from that of Group II, claims 15-30. Applicants disagree with this conclusion. In particular, Applicants urge that other methods known in the art are incapable of producing a transistor as recited in claims 1-14.

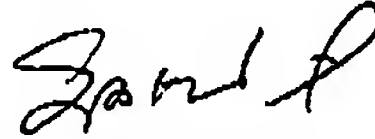
In addition, Applicants submit that there are other, more significant, grounds that justify searching the two Groups together. Specifically, Applicants submit that the subject matter of Groups I and II is sufficiently related that a thorough search for the subject matter of Group I invention would encompass a search for the subject matter of the Group II invention. Thus, it is respectfully submitted that the search and examination of Group I will encompass all of the subject matter of Group II, and thus a search for both Groups could be made without serious burden. See MPEP § 803 in which it is stated: "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examining by the Office. Reconsideration of the election/restriction requirement and rejoinder of claims 1-14 and 15-30 is respectfully requested.

In view of the foregoing, Applicants respectfully request withdrawal of the Restriction Requirement between Groups I and II. Should the Examiner require anything further from

Serial No. 10/604,212

Applicants, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



Spencer K. Warnick  
Reg. No. 40,398

Dated: December 2, 2004

Hoffman, Warnick & D'Alessandro LLC  
Three E-Comm Square  
Albany, NY 12207  
(518) 449-0044 - Telephone  
(518) 449-0047 - Facsimile

Serial No. 10/604,212

3

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☐ **BLACK BORDERS**

☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**

☐ **FADED TEXT OR DRAWING**

☒ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**

☐ **SKEWED/SLANTED IMAGES**

☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**

☐ **GRAY SCALE DOCUMENTS**

☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**

☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**

☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**